



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 20, 1998

Mr. Albert Betts, Jr.
Staff Counsel
State Office of Risk Management
P.O. Box 13777
Austin, Texas 78711

OR98-1006

Dear Mr. Betts:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 114173.

The State Office of Risk Management received a request for information pertaining to applicants for employment. You state that all of the information requested has been provided, save for the social security numbers of applicants. You assert that this information is protected from disclosure under section 552.101, as discussed in Open Records Decision No. 622 (1994). We note that this office received a letter from the requestor stating that he does not seek the applicants' social security numbers. The Open Records Act does not require you to provide information that the requestor does not seek. However, we will address your concern that the social security numbers of the applicants are confidential.

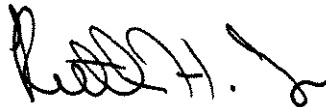
We agree that when security numbers are obtained or maintained by a governmental body pursuant to any provision of law, enacted on or after October 1, 1990, these social security numbers are confidential pursuant to section 405(c)(2)(C)(viii)(I) of title 42 of the United States Code. However, because you do not indicate by which provision of law applicants' social security numbers were obtained or maintained, this office has no basis on which to determine that these numbers are confidential.

We note that sections 552.024 and 552.117 of the Government Code provide that a public employee or official can opt to keep private, among other things, his or her social security number. This information must be withheld if, as of the time of the request for the information, the employee or official had elected to keep the information private. Open Records Decision Nos. 530 (1989) at 5, 482 (1987) at 4, 455 (1987). Generally, information about applicants' social security numbers will not be protected under sections 552.024 and

552.117. However, sections 552.024 and 552.117 may be applicable if the applicant is already a public employee or is selected for the position and becomes a public employee.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref: ID# 114173

Enclosures: Submitted documents

cc: Mr. Thomas Brown
2817 Norfolk
Austin, Texas 78745
(w/o enclosures)